

IC 31-18-8

Chapter 8. Interstate Rendition

IC 31-18-8-1

Grounds for rendition

Sec. 1. (a) As used in this chapter, "governor" includes:

- (1) an individual performing the functions of governor; or
- (2) the executive authority of a state covered by this article.

(b) The governor of Indiana may:

- (1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in Indiana with having failed to provide for the support of an obligee; or
- (2) on the demand by the governor of another state, surrender an individual found in Indiana who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this article applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

As added by P.L.1-1997, SEC.10.

IC 31-18-8-2

Conditions of rendition

Sec. 2. (a) Before making demand that the governor of another state surrender an individual charged criminally in Indiana with having failed to provide for the support of an obligee, the governor of Indiana may require a prosecuting attorney in Indiana to demonstrate that:

- (1) at least sixty (60) days previously the obligee had initiated proceedings for support under this article; or
- (2) the proceeding would be of no avail.

(b) If under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act;

the governor of another state makes a demand that the governor of Indiana surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecuting attorney to investigate the demand and report whether a proceeding for support has been initiated or may be effective.

(c) If a proceeding for support may be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(d) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand.

(e) If the:

- (1) petitioner prevails; and
- (2) individual whose rendition is demanded is subject to a support

order;

the governor may decline to honor the demand if the individual is complying with the support order.

As added by P.L.1-1997, SEC.10.